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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,919	10/23/2000	Tomohito Shida	1083.1076/JDH	8369
21171	7590	09/13/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/693,919	SHIDA, TOMOHITO	

  

<b>Examiner</b>	<b>Art Unit</b>	
Arthur Duran	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 August 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1-16 have been examined.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/18/04 has been entered.

### ***Response to Amendment***

3. The Amendment filed on 8/18/04 is sufficient to overcome the Schiff and DeLorme reference.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 2-7, 13, 14, 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are rejected under 35 U.S.C. 101 because these claims have no connection to the technological arts. The method claims do not specify how the claims utilize any technological arts. For example, no network or server is specified.

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To overcome this rejection, the Examiner recommends that the Applicant amend the claim to specify or to better clarify that the method is utilizing a medium or apparatus, etc within the technological arts. Appropriate correction is required.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a

"useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.*, the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street*

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*Bank & Trust Co.* at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analysis goes towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele test used in *Toma*. However, *State Street* never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. This dichotomy has been recently acknowledged by the Board of Patent Appeals and Interferences (BPAI) in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

In the current application, no technological art (i.e., computer, network, server) is being utilized by claims 2-7, 13, 14, 16. At least one step of the body of the claims must explicitly utilize the technological arts. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claim 1-16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear in the Independent claims whether the new feature of ‘reflecting temporarily changing conditions of the discount service’ or ‘reflecting temporarily changing conditions of the terms for the transaction’ applies to the preceding transaction or the preceding time period. If the added feature applies to the time period, the claim should read, ‘where the timer period reflects. . .’ or something similar.

The Independent claims are presently unclear and need rewritten.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff (6,477,533) in view of DeLorme (5,948,040) in further view of Baker (6,266,648).

Claim 1: Schiff discloses a method for accepting transaction reservation, comprising the steps of:

electronically presenting information on discount services defined for each time period to a plurality of customers (col 20, lines 41-44; col 20, lines 58-65; col 22, lines 1-13 ; col 11, line 60-col 12, line 17; col 12, lines 22-36; col 7, lines 20-34);

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electronically accepting information on transaction reservation of discount services at a selected time period by a customer (col 12, lines 17-23; col 12, lines 22-36); and performing a transaction according to the reserved discount services, when the visiting time of a customer to a shop, or the finish time of the transaction is included in the time period in association with said accepted information on transaction reservation (col 20, line 49-col 21, line 12; col 13, lines 17-22; col 1, lines 22-26; col 22, lines 1-5; col 12, lines 14-17).

Schiff further discloses that the time period can be defined as a term for the transaction (col 20, lines 41-44; col 20, lines 58-65; col 22, lines 1-13).

Because Schiff discloses custom packages can vary based on sailing date and special discounts (col 1, lines 21-26), Schiff implies that custom packages can be created where special discounts and sailing dates are related variables to the overall package.

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26), accepting the transaction reservation for the transaction target, performing a transaction in accordance with the transaction reservation (col 12, lines 17-36), and re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

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Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26). Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Claims 2, 8, 9, 10, 11, 12: Schiff discloses a method, system, apparatus, medium for accepting transaction reservation provided with a plurality of terminal devices, and an apparatus for accepting transaction reservation, connected to the terminal devices respectively, to accept reservation for a transaction of a transaction target, characterized in that said accepting apparatus comprises:

(i) a terms determination means for determining terms for a transaction of a transaction target (col 11, line 60-col 12, line 17; col 12, lines 22-36); and

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(ii) a transaction terms display means for displaying the terms for the transaction determined by the terms determinations means (col 7, lines 20-34; col 12, lines 22-36); said terminal devices comprises:

(i) an accepting means for accepting reservation application data which represents reservation application for a transaction of a transaction target based on the displayed terms (col 12, lines 17-23; col 12, lines 22-36); and

(ii) a transmission means for transmitting the reservation application data accepted by the accepting means to the accepting apparatus (col 12, lines 17-23; Fig. 1; Fig. 2A); and said accepting apparatus further comprises a storage means for storing received reservation application data, when the reservation application data is received (Fig. 2A).

Schiff further discloses a storage medium and a controller (Fig. 2A).

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26), accepting the transaction reservation for the transaction target, performing a transaction in accordance with the transaction reservation (col 12, lines 17-36), and re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9, line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

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Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26). Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Claim 3: Schiff and DeLorme and Baker disclose a method according to claim 2. Schiff further discloses that the determination of the terms for a transaction comprises: determining terms for a transaction based on the state of the transaction reservation (col 20, lines 35-49; col 22, lines 1-13).

Claim 4, 6: Schiff and DeLorme and Baker disclose a method according to claim 2. Schiff does not explicitly disclose confirming whether the reservation has been accepted. However, Schiff discloses a variety of communication between a travel agent and a customer (col 1, lines 33-36). Schiff further discloses verifying that a customer is available (col

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2, lines 35-40). Schiff further discloses booking and paying for a reservation (Fig. 3A, item 342, item 344).

Schiff further discloses receiving reservations, booking, and payment information (col 12, lines 17-23).

Schiff further discloses sending a response to a user computer after receiving messages from the user computer (col 11, lines 13-15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Schiff's response to a user computer can be a confirmation of the reservation that the user has made. One would have been motivated to do this because user's are more confident that a reservation is valid when the user receives notification that the reservation was received.

Additionally, DeLorme discloses confirming whether the reservation has been accepted (Fig. 5d, item 595; col 3, lines 15-20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that DeLorme's confirmation of the reservation that the user has made to Schiff's response to a user computer'. One would have been motivated to do this because user's are more confident that a reservation is valid when the user receives notification that the reservation was received.

Claim 5, 7: Schiff and DeLorme and Baker disclose a reception method for deal booking according to claim 4.

Schiff further discloses that it is characterized in that it further comprises the following steps:

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a method according to claim 4, further comprising the steps of:  
determining discount services for the reserved transaction which has been confirmed to be accepted based on its terms (col 20, line 49-col 21, line 12; col 13, lines 17-22); and offering the discount services based on the confirmed reserved transaction (col 1, lines 22-26; col 22, lines 1-5; col 12, lines 14-17).

Since Schiff discloses that specific packages can be offered to specific customers and that packages can include special discounts and that specific customers can reserve transactions, Schiff discloses offering the discounts for reserved transactions.

Claim 13, 14, 15, 16: Schiff discloses a method, apparatus for accepting a transaction reservation for a transaction target, comprising:

presenting bargain data in relation to the transaction target and reflecting time dependent booking (col 1, lines 22-26); and

accepting the transaction reservation for the transaction target, and performing a transaction in accordance with the transaction reservation (col 12, lines 17-36).

Schiff further discloses that incentives, time periods, and reservations are related (col 22, lines 1-13; col 1, lines 22-26).

Schiff further discloses re-presenting data based on the accepted transaction reservation for the transaction target (col 11, lines 10-16; Fig. 2b; Fig. 3a).

Schiff does not explicitly disclose that the discounts are related to the time period that the reservation is made for.

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However, DeLorme discloses that presenting bargain data to a transaction target related to the time period that the reservation is made for (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45).

DeLorme further discloses re-presenting bargain data based on the accepted reservation for the transaction target (Fig. 9b; Fig. 7b; Fig. 7a; Fig. 5d, item 595).

DeLorme further discloses a terms determination unit for determining terms for a transaction of a transaction target for each time period (Fig. 1c; Fig. 4; Fig. 5d, item 595; Fig. 6; col 41, lines 13-32; col 67, line 60-col 68, line 6; col 50, lines 38-45); and a display system for displaying the terms for the transaction, wherein the transaction reservations are made via the plurality of terminal devices based on the display terms for the transactions (Fig. 5d; Fig. 1c; Fig. 9b).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add DeLorme's reservations goods or services with time period based discounts to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

Baker further discloses benefits and discounts (col 1, lines 10-50); reservations (Fig. 3); timing restrictions and other terms on applicable discounts (col 1, lines 55-62); time frame restrictions and other terms on applicable discounts (col 5, lines 35-45; col 6, lines 40-47; col 6, lines 47-61; col 7, lines 4-11);

Baker further discloses offering specialized target discounts where the terms or target can be varied including varying time periods for when the discount would apply (col 8, line 60-col 9,

line 10) and specialized discounts based on the time between the when the reservation is made and when the reservation is made for (col 9, lines 14-26).

Baker further discloses correlating time periods for reservations to discounts (col 9, lines 31-64).

Baker further discloses that different time periods have different discounts and that the discount information for the different time periods is dynamic (col 10, line 59-col 11, line 7). Also, note that Baker discloses that the time between when the reservation is made and the time that the reservation is made for can be relevant to the discount amount (col 9, lines 14-26). Therefore, both the reservation time and the time period the reservation is made for are relevant to the discount.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Baker's reservations goods or services with time period based discounts that reflect temporarily changing conditions to Schiff's time period, reservation, discount related information. One would have been motivated to do this in order to provide the customer with further, specific information on the relation of time periods, reservations, and discounts.

#### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

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Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur Duran  
Patent Examiner  
9/8/04